

CONSOLIDATED SUMMARY JUDGMENT EXHIBITS

EXHIBIT 6

Page 2

1

2 APPEARANCE OF COUNSEL:

3 FOR PLAINTIFF:

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7 BY: JASON CYRULNIK, ESQ.

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Page 3

1
2 APPEARANCE OF COUNSEL (CONT'D) :

3
4 FOR DEFENDANTS:

5 REED SMITH LLP

6 599 Lexington Avenue

7 New York, New York 10022

8 BY: COLIN UNDERWOOD, ESQ.

9 RUHI BEHAL, ESQ.

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15
16 ALSO PRESENT:

17 HOWARD BRODSKY, VIDEOGRAPHER, VERITEXT

18 LEGAL SOLUTIONS

Page 4

1
2 THE VIDEOGRAPHER: Good
3 afternoon. Here begins Volume 2 of
4 the video recorded virtual remote
5 30(b)(6) deposition of Mei-Li da Silva
6 Vint, appearing on behalf of Brevet
7 Capital Management from her location
8 in Manhattan, New York. This
9 deposition is taken by the plaintiff
10 in the matter of Paul Iacovacci,
11 plaintiff, versus Brevet Holding, LLC,
12 et al., defendants, Case Number
13 1188048WHP (sic) in the United States
14 District Court, Southern District of
15 New York. Today is Thursday
16 November 18, 2021. The time is
17 approximately 2:15 p.m. Eastern
18 Standard Time.

19 My name is Howard Brodsky. I'm
20 the legal video specialist in
21 association with Veritext Legal
22 Solutions with offices located in New
23 York, New York. The court reporter is
24 Theresa Tramondo in association with
25 Veritext.

Page 5

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Counsel have agreed that the court reporter has entered all appearances for this proceeding in the stenographic record and the parties have stipulated and agreed that the court reporter may take the deponent's oath remotely.

9

10

Will the court reporter please swear in the witness.

11

12

13

14

15

MEI - LI DA SILVA VINT,
called as a witness, having been duly sworn by a Notary Public, was examined and testified as follows:

16

BY THE REPORTER:

17

Q. State your name for the record, please.

18

A. Mei-Li da Silva Vint.

19

Q. What is your address?

20

A. I'm at my attorney's office.

21

599 Lexington Avenue New York, New York

22

EXAMINATION BY

23

MR. CYRULNIK:

24

25

Q. Sounds like we're ready to

start. I'll note for the record it's 2:16

1 da Silva Vint

2 and change.

3 Good afternoon, Ms. Da Silva
4 Vint. How are you?

5 A. I'm well. How are you?

6 Q. Doing well. Thank you.

7 You understand you're here to
8 testify in the corporate witness capacity as
9 a 30(b)(6) witness for Brevet on the
10 designated topics?

11 A. I do.

12 Q. Those topics are 6 through 8, 10
13 through 14, 27 through 31 and 36 through 38,
14 right?

15 A. Yes.

16 Q. Can you list for me the deals,
17 transactions or prospective clients that
18 Mr. Iacovacci diverted away from Brevet?

19 A. Speaking on behalf of the
20 company, I can point you to documents that
21 were produced including e-mails that would
22 include deals and clients that were diverted
23 away from Brevet.

24 Q. Yeah, I appreciate that, but
25 that's not what I'm asking you.

Page 7

1 da Silva Vint

2 I'm asking you if you can
3 identify any deal, transaction or a
4 prospective client that Mr. Iacovacci
5 diverted away from Brevet?

6 A. Yes.

7 Q. Okay, let's start --

8 A. Sure, an example of clients
9 would be the [REDACTED] [REDACTED]
[REDACTED] [REDACTED] An example of a transaction --

11 Q. Let's just go slowly.

12 [REDACTED] [REDACTED] is the first client
13 you said he diverted?

14 A. Correct.

15 Q. Is there another client that he
16 diverted?

17 A. I'm giving you examples. So,
18 yeah. Another example is [REDACTED]
[REDACTED]

20 Q. [REDACTED] [REDACTED]. I don't
21 want examples. I want a list. So I have
22 two so far on clients.

23 Any other clients you can
24 identify as clients that Mr. Iacovacci
25 diverted away from Brevet in Brevet's view?

1 da Silva Vint

2 A. Speaking on behalf of the
3 company, I can't sit here and list the
4 number of clients that Paul diverted away
5 from Brevet.

6 Q. You can't tell me the number or
7 you can't identify any others than beyond
8 the [REDACTED] ; is that fair?

9 A. If you would like to go through
10 the e-mails that we produced related to what
11 he sent from his Brevet e-mail to his
12 personal e-mail, which included client
13 lists, we can do that.

14 Q. Ms. Da Silva Vint, I don't need
15 a deposition to walk through e-mails with
16 you. I'm asking you questions. If you know
17 the answers to my questions, great; if you
18 don't, you can say that as well, but please
19 just focus on the questions.

20 I asked you to identify three
21 different categories of things. The first
22 thing I think you addressed were clients
23 that Mr. Iacovacci allegedly diverted from
24 Brevet. Did I get that right?

1 da Silva Vint

2 A. So I gave you examples of types
3 of clients which include -- I don't know how
4 you're defining "clients," but clients can
5 include potential investors, it can include
6 potential borrowers. I'm giving you an
7 example of two clients in the investor
8 category that he diverted away.

9 Q. I'm not looking for examples,
10 but let me make sure we're on the same page
11 here.

12 You identified clients of Brevet
13 as including two subcategories, investors
14 and borrowers; is that right?

15 A. Those are two potential
16 subcategories within the definition of
17 "client."

18 Q. Again, I don't want "potential
19 subcategories." I want to know are there
20 any other categories of clients that you
21 would identify as clients that Mr. Iacovacci
22 diverted away from Brevet?

23 A. Investors and borrowers are
24 types of clients that Paul diverted away
25 from Brevet.

Page 10

1 da Silva Vint

2 Q. Are there any other types of
3 clients that Paul diverted away from Brevet?

4 A. There could be. We would have
5 to turn to the e-mails and go through the
6 e-mails, which we have produced, where there
7 are substantial things that he forwarded to
8 his e-mail address, his personal e-mail
9 address, which includes things like
10 borrowers, potential borrowers, investors,
11 investor lists.

12 Q. Ms. Da Silva Vint, there is a
13 bit of a disconnect over here. I'm just
14 asking you questions.

15 Did you go through the e-mail
16 that you're referencing to prepare for this
17 30(b) (6) deposition?

18 A. I came prepared by reviewing the
19 list of e-mails, which we can go through.
20 There are hundreds of e-mails that we've
21 already produced, and if you want to go
22 through a specific example, we can do that.

23 Q. This is not about examples,
24 Ms. Da Silva Vint. I'm here asking you
25 questions, you're representing the company,

Page 11

1 da Silva Vint

2 and you're going to tell me the company's
3 positions.

4 My question to you is: Did you
5 review the actual e-mails that you are
6 referencing in order to prepare for this
7 deposition; yes --

8 A. I have reviewed in the past the
9 e-mails.

10 Q. Did you review those e-mails to
11 prepare for this deposition; yes or no?

12 A. I did not rereview these
13 e-mails, hundreds of e-mails to prepare for
14 this deposition.

15 Q. Okay. Well, sitting here today,
16 can you identify any other types of clients
17 that Mr. Iacovacci diverted from Brevet;
18 that is, other types of clients beyond
19 investors or borrowers?

20 A. Sitting here today, I will
21 identify borrowers and investors as
22 potential clients that Paul diverted away
23 from Brevet.

24 Q. Let's start with investors. Can
25 you identify any investor clients that Paul

Page 12

1 da Silva Vint

2 diverted away from Brevet?

3 A. Yes.

4 Q. How many can you identify?

5 A. I have already listed two.

6 Q. Those are both investor clients?

7 A. Investor -- potential investors.

8 Q. Are they investors of Brevet or
9 potential investors of Brevet?

10 A. I said "potential investors."

11 Q. So you have the [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED], two

13 potential investors of Brevet that you
14 contend Mr. Iacovacci diverted, correct?

15 A. Yes.

16 Q. Are there any actual investors
17 in Brevet that you can identify
18 Mr. Iacovacci as having diverted?

19 MR. UNDERWOOD: Object to the
20 form of the question.

21 A. I actually don't understand the
22 question.

23 Q. You qualified your
24 identification of [REDACTED] [REDACTED]
[REDACTED] [REDACTED] as "potential

Page 13

1 da Silva Vint
2 investors of Brevet," not investors of
3 Brevet; did I hear you correctly?

4 A. Yes.

5 Q. And I'm asking you whether there
6 are any investors of Brevet as distinguished
7 from just potential investors that
8 Mr. Iacovacci also diverted in Brevet's
9 opinion?

10 MR. UNDERWOOD: Object to the
11 form of the question.

12 A. I still don't understand. If
13 someone is diverted, how are they a
14 potential and an actual.

15 Q. Okay, I think I see the
16 disconnect.

17 Do you understand the difference
18 between a "potential investor" and an
19 "actual investor"?

20 MR. UNDERWOOD: Object to the
21 form of the question.

22 Q. Do you understand the difference
23 between those two terms?

24 A. I don't know. Clearly not, if
25 you're understanding it one way and we have

Page 14

1 da Silva Vint
2 a disconnect. So can you explain how you
3 understand them?

4 Q. Well, I'm asking you based on
5 your usage of the term, so it's much more
6 important to me to understand what you mean
7 than for you to understand what my view
8 would be.

9 So in your view, when you say
10 "investor in Brevet" versus "potential
11 investor in Brevet," can you explain to me
12 what you mean by those two terms?

13 A. They're not invested in Brevet.

14 Q. Let's use someone who is not
15 invested in Brevet, but might invest in
16 Brevet as "potential investor in Brevet" for
17 purposes of the question and someone who
18 actually has invested with Brevet as "actual
19 investor," okay?

20 A. Okay.

21 Q. Okay, with those terms in mind,
22 I take it you don't have any actual
23 investors in Brevet that you can identify as
24 having been diverted away from Brevet by
25 Mr. Iacovacci; is that fair?

Page 15

1 da Silva Vint

2 MR. UNDERWOOD: Object to the
3 form of the question.

4 A. From the company's perspective,
5 we wouldn't know. There's voluminous
6 production that hasn't been made by the
7 plaintiff, so we don't know definitively.

8 Q. I understand that and I
9 appreciate your positions as to why you
10 don't know, but the answer is: Sitting here
11 today based on what has been produced,
12 whatever has not been produced, you can't
13 identify any actual investors who
14 Mr. Iacovacci diverted away from Brevet,
15 fair?

16 MR. UNDERWOOD: Object to the
17 form of the question.

18 A. Yes.

19 Q. And with respect to potential
20 investors, sitting here today, again, and
21 subject to all of the caveats that you have,
22 whatever you have, and whatever has been
23 produced has been produced, I get it, but
24 sitting here today, you can identify two,
25 but only two specific potential investors

Page 16

1 da Silva Vint
2 that Brevet contends were diverted away from
3 Brevet by Mr. Iacovacci, and that would be
4 [REDACTED] ; did I get that correct as well?

5 A. In the "potential investor"
6 category, correct.

7 Q. Let's go to borrowers, if we
8 can, and I will use the same distinction
9 between "potential borrowers" and "actual
10 borrowers"; that is, "actual borrowers"
11 would be a term I use to refer to someone
12 who actually has borrowed from Brevet, an
13 entity or individual who has borrowed from
14 Brevet, and I'll use the term "borrower" to
15 describe someone -- a "potential borrower"
16 to describe someone that has not actually
17 borrowed from Brevet.

18 With that in mind, can you
19 identify any borrowers, actual borrowers of
20 Brevet that Mr. Iacovacci has diverted?

21 A. I will broaden that to be deals
22 or potential deals that were diverted away
23 in the sense of someone who would be
24 borrowing and including someone who would be

Page 17

1 da Silva Vint
2 bringing that transaction to us, and yes.
3 Q. So on the borrower side, you
4 would equate that with deals or transactions
5 that Mr. Iacovacci diverted?

6 A. Yes.

7 Q. So let's go through that list.
8 We have a complete list on the client side;
9 is that fair, with the exception of
10 borrowers who you are linking up
11 with -- withdrawn.

12 Let's talk about the borrower
13 investors -- I'm sorry, the borrower clients
14 and the deals. Can you identify for me the
15 deals, transactions or borrower investors
16 that Mr. Iacovacci diverted away from
17 Brevet?

18 MR. UNDERWOOD: Object to the
19 form of the question.

20 A. Yes, [REDACTED] [REDACTED].

21 Q. Okay.

22 A. There was a [REDACTED] [REDACTED].

23 Q. Did you say a [REDACTED] [REDACTED] [REDACTED]?

24 A. Yes.

25 Q. Okay.

Page 18

1 da Silva Vint

2 A. And various transactions related
3 to [REDACTED] [REDACTED]

4 Q. The various transactions related
5 to [REDACTED]. Anything else?

6 A. Not at this moment.

7 Q. So if we could just go through
8 those quickly.

9 When did Mr. -- the three deals
10 that you just identified [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] and transactions related
12 to [REDACTED] [REDACTED], I take it --

13 A. Sorry, there is one more.
14 There's [REDACTED].

15 Q. There is another one. What was
16 the other deal?

17 A. [REDACTED]

18 Q. [REDACTED] okay.

19 Do you have any papers in front
20 of you, Ms. Da Silva Vint?

21 A. I do. I have something that was
22 produced, I think, yesterday, a damages
23 summary.

24 Q. Is that a two-page summary?

25 A. Yes.

Page 19

1 da Silva Vint
2 (Exhibit 15, two-page damages
3 summary, marked for identification, as
4 of this date.)

5 Q. Can you take a look at
6 Exhibit 15 on the Exhibit Share. Is that
7 what you're describing as the document in
8 front of you?

9 A. Yes.

10 Q. Anything else in front of you?

11 A. I have nothing else open in
12 front of me.

13 Q. How about closed; what else do
14 you have that is not open in front of you?

15 A. I have a binder related to the
16 topics.

17 Q. And that binder is a binder of
18 discovery responses in this action that are
19 referenced on the damage summary or on some
20 other or --

21 A. It's stuff that has been
22 produced related to the topics that you may
23 ask me about today.

24 Q. Who prepared that binder?

25 A. It was prepared in conjunction

Page 20

1 da Silva Vint

2 with counsel.

3 Q. They selected the documents that
4 they wanted to have in front you?

5 A. It was prepared jointly, so we
6 selected documents together.

7 Q. So you were selecting documents.
8 How did you identify documents that you
9 wanted to bring with you to this deposition?

10 A. In working with counsel around
11 the topics.

12 Q. How did you do it; what did you
13 do to identify which documents you wanted to
14 bring into the deposition room?

15 A. We talked about documents that
16 related to supporting our claims and what
17 you were going to be asking about to be able
18 to fully answer the facts, statements you
19 need answered on these topics.

20 Q. (**RQ) Fair enough.

21 I'll ask during the break for
22 someone to send me either an index of that
23 binder you brought with you to the
24 deposition or else to list it out, as
25 Mr. Solomon did yesterday, so that we can

Page 21

1 da Silva Vint

2 have a list of that, okay?

3 A. Yes.

4 MR. UNDERWOOD: So far she
5 hasn't even opened the binder. I'm
6 not going to go ahead and give you a
7 list of documents that she isn't even
8 looking at.

9 MR. CYRULNIK: Mr. Underwood,
10 she brought a binder of documents in
11 the deposition room. If I was in the
12 deposition room there with you, I
13 would be entitled to ask you for it.
14 I'm on Zoom and I'm asking you --

15 MR. UNDERWOOD: Not if she
16 didn't open it.

17 MR. CYRULNIK: Well, we disagree
18 with that. And if you're going to
19 refuse --

20 MR. UNDERWOOD: Okay.

21 MR. CYRULNIK: If you're going
22 to refuse to provide us with that
23 list, let us know now on the record.

24 MR. UNDERWOOD: I'm going to
25 take your request under advisement,

Page 22

1 da Silva Vint
2 and at the end of your 36 minutes of
3 this deposition, I will let you know
4 whether we're going to provide a
5 listing of all the documents in that
6 binder.

7 Q. Well, Ms. Da Silva Vint, could
8 you list for me the documents in that binder
9 because counsel --

10 A. Like I said, it's voluminous.

11 MR. UNDERWOOD: If that's how
12 you choose to use 36 minutes in this
13 deposition, Ms. Da Silva Vint can turn
14 pages in the binder and list them for
15 you.

16 MR. CYRULNIK: Mr. Underwood, to
17 be clear for the record, you have
18 refused to provide us with a list of
19 the documents that she brought to this
20 deposition. We think that's improper.
21 If you're going to force us to use
22 time to have the witness give it to us
23 rather than you providing us with an
24 index --

25 MR. UNDERWOOD: She hasn't

Page 23

1 da Silva Vint
2 looked at any of them during the
3 deposition.
4 MR. CYRULNIK: Mr. Underwood,
5 I'm still talking.
6 If you're going to refuse to
7 provide us with an index or to list
8 that out, as Mr. Solomon, your own
9 colleague, did yesterday, prior to any
10 of them being used in the deposition,
11 that creates a problem for us and
12 necessitates asking Ms. Da Silva Vint
13 to read them into the record herself.
14 I don't think that's an efficient use
15 of anybody's time, but that's for you
16 to decide as to whether or not you're
17 going to ask us to waste time doing
18 that. We obviously take the position
19 that you requiring us to have the
20 witness read them into the record,
21 rather than giving us the information,
22 as your own colleague did yesterday,
23 and as is your obligation, is
24 something that does not count towards
25 our time with Ms. Da Silva Vint.

Page 24

1 da Silva Vint

2 So do you want us to use our
3 time asking that question to the
4 witness or can you commit to giving us
5 that list at some point voluntarily
6 either off the record or via e-mail?

7 MR. UNDERWOOD: Mr. Cyrulnik,
8 the witness hasn't looked at a single
9 document from the binder as part of
10 the deposition. I know of no
11 obligation to identify for you
12 documents that the witness assembled
13 in case she wanted to look at them, in
14 case you asked a question that
15 implicated the documents.

16 (**RQ)MR. CYRULNIK: The
17 obligation, Mr. Underwood, is to
18 respond to a question that is
19 obviously related to these 30(b)(6)
20 topics. The question is what
21 documents did you bring with you to
22 the deposition. They were identified
23 by way of reference to a binder. I
24 don't have that binder in front of me.
25 You do. That is improper. And I've

Page 25

1 da Silva Vint
2 asked you to provide us with
3 either -- I'm only asking you for a
4 copy of the index or a listing of the
5 documents. It would be reasonable for
6 me to ask you to send me all of the
7 documents themselves. And so that's
8 the request on the table.

9 And my question to you is: Are
10 you going to refuse to provide us with
11 even a listing of the documents that
12 this 30(b)(6) witness has brought with
13 her to this deposition in the
14 deposition room in front of her?

15 MR. UNDERWOOD: If the witness
16 looks at documents, we will identify
17 the documents to you.

18 MR. CYRULNIK: We will --

19 MR. UNDERWOOD: We can spend the
20 rest of this time arguing over this,
21 we can spend the rest of the time with
22 her reading you a list of the
23 documents, which are discovery
24 responses, affidavits, just similar to
25 the ones used by Mr. Monticciolo

Page 26

1 da Silva Vint
2 yesterday. You can spend your time in
3 the deposition however you choose.
4 You could ask her questions or
5 you could ask her to identify
6 documents, but she hasn't looked at
7 those documents yet, and I'm not going
8 to commit to giving you a listing of
9 those documents unless and until she
10 finds a need to look at those
11 documents.

12 MR. CYRULNIK: I'll note for the
13 record that Mr. Underwood's colloquy
14 has taken approximately three or four
15 minutes of the time that we have and
16 obviously does not count against our
17 deposition questioning time.

18 I'll also note for the record
19 that Mr. Underwood just likened these
20 documents to the ones that
21 Mr. Monticciolo brought yesterday,
22 but, of course, did not do what his
23 colleague Mr. Solomon did, which is to
24 provide us with a complete listing of
25 those documents.

Page 27

1 da Silva Vint

2 I do not want to spend our time
3 asking the witness, who has better
4 things to do with her time, to read me
5 the Bates numbers of all the documents
6 she brought with her to the
7 deposition; however, you are
8 necessitating some other way of doing
9 it because of your blatant refusal to
10 provide us with basic information that
11 any person who comes into a deposition
12 room should be prepared to provide.

13 We will give you the opportunity
14 to consider that during the next
15 break, and if that persists to be your
16 position, we're going to ask the
17 witness to provide those Bates numbers
18 to us.

19 Q. Continuing along the line of our
20 questioning, you identify four different
21 transactions or borrower clients. I take it
22 each of those are prospective borrower
23 clients or prospective transactions that
24 Brevet is contending were diverted away, not
25 actual transactions that they were expecting

Page 28

1 da Silva Vint
2 to get; is that a fair characterization of
3 those four?

4 A. No.

5 Q. Okay. Well, why don't you tell
6 me what's incorrect about that?

7 A. The last piece where you say
8 Brevet was not expecting to get.

9 Q. Let's start with [REDACTED] Brevet
10 was expecting to enter into a transaction
11 with [REDACTED]

12 A. In the company's position, yes.

13 Q. When did Brevet first engage in
14 discussions with [REDACTED] about a prospective
15 transaction?

16 A. I do not recall exactly sitting
17 here right now.

18 Q. Did you look at that to prepare
19 for this deposition?

20 A. The discussions I believe began
21 around 2014, but I don't know exactly when
22 the discussions started.

23 Q. So in or about 2014, who from
24 Brevet engaged in discussions with [REDACTED]
25 regarding a prospective transaction for

1 da Silva Vint

2 Brevet?

3 A. I think there were a number of
4 people throughout the years that had
5 discussions with [REDACTED] around a potential
6 transaction.

7 Q. Can you describe for me -- are
8 we talking about multiple transactions or
9 one transaction?

10 A. It was around a white labeling
11 of Brevet, so it would have involved both
12 investing money in and then white labeling
13 products that Brevet was investing in.

14 Q. What do you mean by "white
15 labeling"?

16 A. Meaning that [REDACTED] would
17 potentially put their name on -- alongside
18 Brevet's, which is usually what "white
19 labeling" means in the fund world.

20 Q. Okay. Did Brevet enter into a
21 term sheet with [REDACTED] regarding this
22 prospective white labeling transaction?

23 A. I can't recall exactly sitting
24 here today if it got to a term sheet or if
25 it was e-mail discussions around terms

Page 30

1 da Silva Vint

2 around the potential transaction.

3 Q. Can you describe to me the terms
4 of the transaction that Brevet was expecting
5 to enter into with [REDACTED]

6 A. [REDACTED] would help raise money
7 from their clients and Brevet would deploy
8 that money.

9 Q. How much money was Brevet going
10 to deploy?

11 A. Sorry. I think the range was
12 between 25 to hundreds of millions of
13 dollars.

14 Q. The range was between 25 million
15 and hundreds of millions?

16 A. Correct.

17 Q. Well, did the parties reach
18 agreement on where along that continuum they
19 were going to land?

20 A. No.

21 Q. Why not?

22 A. It was ongoing discussions.

23 Q. Was there any specific
24 transaction that the parties were discussing
25 or was it just a general discussion about

Page 31

1 da Silva Vint

2 potential business?

3 A. No.

4 MR. UNDERWOOD: Object to the
5 form of the question.

6 A. It's pretty standard what I'm
7 describing. They were talking about white
8 labeling, which is to deploy money with
9 Brevet into what Brevet is an expert at in
10 terms of lending money out in their
11 programs.

12 Q. Did Brevet approve this
13 potential transaction as something that it
14 was prepared to engage in with [REDACTED]

15 A. I don't know what you mean by
16 "approve."

17 Q. Before Brevet enters into a
18 transaction, I assume there is an approval
19 process by which some individual or
20 committee needs to approve the potential
21 transaction; is that right?

22 A. No. I mean, it depends what
23 you're talking about.

24 Q. I'm talking about this type of
25 transaction where Brevet takes on money, as

Page 32

1 da Silva Vint

2 I describe it, and then deploys it. Does
3 Brevet just take on money from anybody who
4 wants to offer it and then deploy it?

5 A. No. But I wouldn't say that
6 there is -- like that there is an approval
7 process specific to this type of deal.

8 Q. What type of process would
9 be -- typically be followed in order to move
10 forward with a deal like the one that you're
11 describing?

12 A. It would likely be discussed at
13 senior management, there would be legal
14 documentation, and then in terms of
15 investments, the transaction would likely
16 have to go through the investment committee.

17 Q. Did the investment committee
18 consider the potential [REDACTED] investment
19 transaction?

20 A. You have that order wrong. I
21 said that because they would be investing
22 money, once the money was invested, then it
23 would go into transactions that Brevet does.
24 So once you -- we were getting ready to
25 deploy the money that [REDACTED] had given us,

Page 33

1 da Silva Vint
2 then it would go into transactions. Those
3 types of transactions would be approved by
4 an investment committee.

5 Q. [REDACTED] giving money to Brevet
6 would not require any approval process; is
7 that what you're telling me?

8 A. No, I did not say that.

9 MR. UNDERWOOD: Object to the
10 form of the question.

11 A. I didn't not say that.

12 Q. What approval process would be
13 required for Brevet to take on [REDACTED] money?

14 A. As I stated, there would be
15 discussions among senior management, there
16 would be legal documentation. Depending on
17 what entity was entering into this
18 transaction with [REDACTED] the money would
19 come in, and then depending on whatever the
20 process that [REDACTED] came into agreement with
21 Brevet in terms of deploying the money, the
22 deployment into those underlying loans would
23 have to be approved by the investment
24 committee.

25 Q. How far along did this

1 da Silva Vint
2 particular transaction get; do we have
3 agreements, draft agreements with [REDACTED]?
4 A. Sitting here today, I don't know
5 if we have draft agreements. Like I said
6 before, I think there were e-mails and
7 discussions of the potential term sheet, and
8 [REDACTED] had multiple conversations, there was
9 diligence, there were materials provided.

10 Q. Did [REDACTED] ultimately break off
11 discussions with Brevet?

12 A. Yes.

13 Q. When did that happen?

14 A. I don't recall exactly sitting
15 here today when discussions stopped.

16 Q. Can you tell me approximately
17 when?

18 A. I believe it was in 2016
19 sometime, maybe --

20 Q. Who was involved --

21 A. -- 2017.

22 Q. Okay.

23 Who was involved in the
24 discussions on the Brevet side and who was
25 involved on the [REDACTED] side?

1 da Silva Vint

2 A. I don't recall the exact name of
3 the person at [REDACTED] It might have been
4 the CEO, a man named [REDACTED] [REDACTED]. There was
5 another individual that I can't remember the
6 name exactly of, who I know that we sought
7 discovery from during this case. On the
8 Brevet side, it would have been Doug, who is
9 (phonetic) Monticciolo, at some point Brian
10 Lippey was involved, at one point I had a
11 discussions with them as well when they came
12 into our offices.

13 Q. What was the reason that the
14 [REDACTED]-Brevet discussions stopped?

15 A. From the company's position, we
16 believe it was because Paul was having
17 parallel conversations with them about
18 products that he said was his, but were
19 Brevet's.

20 Q. What is the basis for your
21 belief that the reason the [REDACTED]
22 discussions stopped was because
23 Mr. Iacovacci was having conversations with
24 them?

25 A. I believe that we have e-mails

Page 36

1 da Silva Vint
2 showing that he was having discussions with
3 them and we don't have a reason to believe,
4 after they were very interested and excited
5 about working with us, that they stopped for
6 any other reason.

7 Q. Any other basis for your belief
8 that the reasons [REDACTED] stopped the
9 discussions with Brevet was because
10 Mr. Iacovacci was having separate
11 discussions with them beyond what --

12 A. The company's position is that
13 discussions stopped because of
14 Mr. Iacovacci.

15 Q. I understand that. I'm asking
16 you about the basis for that position and
17 you've identified the fact that you have
18 seen side discussions with Mr. Iacovacci and
19 that you couldn't come up with any other
20 explanation for why [REDACTED] would stop
21 discussions with Brevet. I have that
22 testimony.

23 I want to make sure that there
24 is nothing else, there is no other basis for
25 your position or your belief that the reason

Page 37

1 da Silva Vint
2 that the discussions stopped was because
3 Mr. Iacovacci was having side discussions
4 with them.

5 A. In his own capacity?

6 Q. In his own capacity, right.

7 Any other basis?

8 A. No.

9 Q. Let's talk about [REDACTED]

[REDACTED] [REDACTED]. Was [REDACTED] [REDACTED]
[REDACTED] a potential transaction that Brevet
12 was going to engage in?

13 A. It could have been.

14 Q. I'm not asking whether it could
15 have been. I'm asking whether it was.

16 A. It was diverted. So had it been
17 properly brought to Brevet as it should have
18 been, it is a potential transaction that
19 Brevet would have engaged in.

20 Q. Was [REDACTED] [REDACTED] [REDACTED]
21 ever in discussions with Brevet with respect
22 to a prospective transaction?

23 A. Sitting here today, I do not
24 know.

25 Q. Did [REDACTED] [REDACTED] [REDACTED]

1 da Silva Vint
2 ever engage in any transaction with Brevet?

3 A. Like I said, sitting here today,
4 I do not know.

5 Q. What is the basis for your
6 position that [REDACTED] was
7 a transaction that Brevet would have engaged
8 in but for Mr. Iacovacci's involvement?

9 A. Because we had -- Brevet has
10 done this type of transaction in the past,
11 it is the type of transaction that we would
12 look at and evaluate and determine if we
13 wanted to enter.

14 Q. What do you mean by "this type
15 of transaction"?

16 A. Medical receivables, recovery of
17 medical receivables.

18 Q. Brevet does medical receivable
19 recovery transactions, is that what you're
20 describing?

21 A. The company has done medical
22 receivable recovery transactions in the
23 past.

24 Q. And describe to me what those
25 transactions involved?

1 da Silva Vint

2 A. They involved potentially late
3 invoices or receivables, and you buy them at
4 a discount, and you work -- you hire -- work
5 with people who are recovering them and you
6 finance those.

7 Q. Who is the "you"; is that -- I
8 heard a bunch of "you"?

9 A. Brevet, the company.

10 Q. Brevet would buy medical
11 receivables at a discount and then do what?

12 A. Or we would work with someone
13 and we finance that person who was buying
14 them at a discount to recover them.

15 Q. How many times has Brevet done
16 that type of deal?

17 A. Sitting here today, I do not
18 know the exact number. I know that Brevet
19 has done them in the past.

20 Q. Could you give me an estimate as
21 to how many times Brevet has done that type
22 of transaction?

23 A. No.

24 Q. Is it more or less than two?

25 A. Again, I do not know sitting

Page 40

1 da Silva Vint

2 here today.

3 Q. Can you identify any instance
4 where Brevet has engaged in that type of
5 transaction?

6 A. Yes.

7 Q. Which one can you identify for
8 me or ones?

9 A. Sitting here today, I can't
10 recall the name of the transaction, but I am
11 aware of a transaction where receivables
12 were financed, medical receivables.

13 Q. What was the volume of the
14 transaction?

15 A. Millions.

16 Q. How many millions?

17 A. Like sitting here today, I don't
18 have that exact detail with me right now.

19 Q. Does Brevet have -- does the
20 amount of the potential receivable pool
21 matter to Brevet in terms of whether it's
22 something that Brevet wants to get involved
23 in?

24 A. No, it does not.

25 Q. So if I came to Brevet and I had

Page 41

1 da Silva Vint
2 a \$200 receivable from someone who owes me
3 money in the medical space, Brevet would
4 give serious thought to financing that \$200
5 receivable or buying it itself and trying to
6 collect?

7 MR. UNDERWOOD: Object to the
8 form of the question.

9 A. We don't do consumer
10 receivables.

11 Q. What about medical receivables?

12 A. If it's a consumer medical
13 receivable, we wouldn't have done it.

14 Q. Let's say it's a nonconsumer
15 medical receivable.

16 MR. UNDERWOOD: Object to the
17 form of the question.

18 A. So I think your example is very
19 narrow, and I'm not sure is it one \$200
20 receivable or part of a program of
21 receivables, multiples receivables?

22 Q. It's one \$200 receivable.

23 A. Potentially if we had worked
24 with you in the past, and there was a
25 reason, we wanted to test the market, we may

Page 42

1 da Silva Vint

2 have done it.

3 Q. Has Brevet ever done a
4 transaction which involved a potential \$200
5 receivable?

6 A. Perhaps. I don't -- sitting
7 here today, that's not something I looked
8 at.

9 Q. How about the [REDACTED] deal,
10 what was that?

11 A. It was around financing and [REDACTED]
12 eligible deal.

13 Q. For whom?

14 A. I believe the --

15 Q. Are you looking at something or
16 talking to someone?

17 A. I'm looking at the exhibit.

18 Q. Okay.

19 MR. UNDERWOOD: Exhibit 15.

20 A. So there was another deal
21 related to, I think -- I can't recall the
22 individual's name, but it was an [REDACTED] deal
23 that Paul diverted away from Brevet.

24 Q. Sorry. Are you saying the [REDACTED]
25 deal that you're testifying to is not listed

Page 43

1 da Silva Vint
2 on the damages summary that you have
3 provided us?
4 A. Correct, I don't see it on here.
5 Q. Why is that not listed?
6 A. I don't know why it's not
7 listed.
8 Q. Did you prepare this damages
9 summary?
10 A. I did not prepare this damages
11 summary.
12 Q. Who prepared it?
13 A. I took part in preparing this
14 damages summary, but I did not necessarily
15 prepare the entire thing by myself.
16 Q. I didn't ask you if you prepared
17 it by yourself, but you were involved in
18 preparing this damages summary, right?
19 A. I was, and what I said was it
20 was a deal that was diverted away. I didn't
21 say that it went into this specific damages
22 summary.
23 Q. Well, why not; if this was a
24 deal that was diverted away, why does it not
25 appear on the damages summary that you

Page 44

1 da Silva Vint

2 prepared?

3 A. Because I don't think everything
4 that relates to the damages of Paul's
5 misconduct appears specifically on this
6 damages summary.

7 Q. Well, how did you select what
8 you were going to put on this damages
9 summary and what you were going to leave
10 out?

11 MR. UNDERWOOD: Object to the
12 form of the question.

13 A. I think we had specific examples
14 of potential investors, real investors who
15 we have a track record with, those type of
16 investors and the size and the types of
17 investments that they would make, we had
18 specific examples of [REDACTED] and the types of
19 transactions, based on the discovery that we
20 have, [REDACTED] et cetera. I'm not really
21 sure why the [REDACTED] deal I'm talking about
22 specifically right now is not on this
23 damages sheet, but I'm just talking about a
24 deal that was diverted away.

25 Q. I guess I'm not following,

1 da Silva Vint
2 Ms. Da Silva Vint. You were involved in
3 preparing this damages summary and you were
4 involved in answering the question that I
5 asked you at the beginning of this
6 deposition. And when I asked you for
7 examples, the second thing that you gave me
8 was the [REDACTED] deal, and yet when I
9 look at the damages summary that you
10 prepared, it doesn't appear anywhere, and
11 I'm asking you to explain to me why.

12 A. I just did, and I told you --
13 your question was around clients -- or
14 clients that had been diverted away from
15 Brevet. And [REDACTED] was one of the examples
16 I gave as clients that had been diverted
17 away from Brevet.

18 Q. Well, Ms. Da Silva Vint, I don't
19 think that's right. I think I asked you
20 about clients initially, we talked about
21 investor clients, and then we talked about
22 the borrower clients, we moved on to talking
23 about transactions that you claimed were
24 diverted. Do you remember you were
25 clarifying that?

Page 46

1 da Silva Vint

2 A. Yes, and that's actually what I
3 just said.

4 Q. Well, my apologies if I
5 misunderstood that. But you understood that
6 the second transaction you identified as
7 Mr. Iacovacci having diverted from Brevet
8 was a [REDACTED] deal that doesn't appear
9 anywhere on the damages summary, two-page
10 Exhibit 15?

11 A. I'm not understanding the
12 connection you're trying to make. You asked
13 me about potential clients or investors had
14 been diverted away, examples. So those are
15 the examples that I remembered. I'm not
16 sure how that relates to the damages page
17 that you're looking at.

18 Q. Did you remember the [REDACTED]
19 deal in between the time that you were
20 involved in preparing Exhibit 15 and the
21 time that I asked you the questions this
22 afternoon?

23 A. Did I remember the [REDACTED]
24 deal when we were preparing the damages
25 summary, no.

Page 47

1 da Silva Vint

2 As I was preparing for my
3 topics, I went to things that have been
4 produced, affidavits, et cetera, and I
5 remembered the [REDACTED] deal.

6 Q. When did you prepare the damages
7 summary?

8 A. It was weeks ago. Actually,
9 when I was supposed to be deposed
10 originally.

11 Q. Did you think to update the
12 damages summary before you gave it to us or
13 brought it to this deposition?

14 A. I literally was reviewing stuff
15 right before I walked in here. There was
16 voluminous information. And the [REDACTED]
17 deal was something I reviewed right before
18 this deposition started.

19 Q. So you're saying until today you
20 hadn't remembered that there was a [REDACTED]
[REDACTED] deal that Brevet contends Mr. Iacovacci
22 diverted; is that fair?

23 A. I was -- no, my memory is
24 refreshed today.

25 MR. UNDERWOOD: We are at

Page 48

1 da Silva Vint

2 36 minutes on the record, so I think
3 the deposition is completed.

4 MR. CYRULNIK: The deposition is
5 not completed. I'm happy to go -- I'm
6 happy to talk about this on the record
7 also.

8 First of all, Mr. Underwood,
9 counting deposition time where you're
10 makings speeches or your colleague is
11 making speeches is not deposition time
12 and you know that. Counting
13 deposition time about trying to
14 educate you about what your
15 obligations to share with us the
16 identity of materials that are brought
17 into a deposition room is not
18 deposition time. Time spent swearing
19 in the witness is not deposition time.
20 And we already made this record
21 yesterday.

22 We are trying, as you can
23 probably tell, to quickly and
24 efficiently get through the many
25 topics that Ms. Da Silva Vint was

Page 49

1 da Silva Vint
2 designated to serve as a 30(b) (6)
3 witness on. We've had some trouble
4 doing that for reasons that are
5 obvious. There has been some
6 interruptions, there have been
7 colloquy about what is in the
8 deposition room, and yesterday there
9 was more than an hour worth of time
10 that was not spent answering
11 questions, and we made that clear.

12 So our intention is to try and
13 get through these questions with this
14 witness. It's important for purposes
15 of developing a record in this case.

16 I think the Court would
17 appreciate having Brevet's position at
18 deposition that set forth these types
19 of questions, which again are very
20 targeted and very clear answered. We
21 think that's what the rules allow and
22 provide for.

23 I obviously can't prevent you or
24 this witness from doing what you're
25 going to do apart from being able to

Page 50

1 da Silva Vint
2 address it by then going to the Court
3 and explaining what happened and what
4 didn't happen.

5 So our intention is to move
6 extremely quickly as you can tell,
7 much to the chagrin of the court
8 reporter, to get through as much of
9 this material as we can. We would
10 appreciate your being cooperative in
11 that regard.

12 This witness appears to have
13 prepared for this deposition with the
14 intention of giving us answers to
15 these questions, and I think the most
16 efficient and wise way to go about
17 this would be try to get through this
18 material quickly, which I think we can
19 do.

20 MR. UNDERWOOD: Mr. Cyrulnik, we
21 have a stipulation that calls for the
22 deposition of Mr. Monticciolo and
23 Ms. Da Silva Vint shall be limited to
24 a total of five hours on the record.
25 Yesterday's deposition was four hours

Page 51

1 da Silva Vint
2 and 24 minutes, which would leave
3 36 minutes. We have gone over the
4 36 minutes today. It is our view that
5 the deposition is closed.

6 MR. CYRULNIK: Number one, we
7 reserved an hour yesterday for
8 Ms. Da Silva Vint's deposition, so
9 that's just flatout not true. Number
10 two, you're telling me it was four
11 hours and 24 minutes on the record,
12 that is including portions of the
13 deposition that was not questioning at
14 all, but instead lengthy colloquy that
15 your colleague insisted in putting on
16 the record in order to make sure that
17 record time was increased as much as
18 possible, and that obviously doesn't
19 count against our time.

20 So what we would propose to do,
21 once again, is to continue asking
22 these questions to this witness and
23 getting through them relatively
24 quickly. I'm hopeful that we would
25 get through these questions within the

Page 52

1 da Silva Vint
2 next hour, quite hopeful, especially
3 if we keep up the pace that we're
4 going at. That's what we would like
5 to do.

6 MR. UNDERWOOD: You know as well
7 as I do that the time on the record
8 yesterday was four hours and
9 24 minutes. Notwithstanding your
10 intent to reserve an hour for
11 Ms. Da Silva Vint, you ate into that
12 hour by going to four hours and
13 24 minutes. Now, that leaves
14 36 minutes on the record. On the
15 record. Not 36 of questioning. Not
16 36 minutes of answering. The
17 stipulation is clear, 36 minutes on
18 the record today, four hours and
19 24 minutes on the record yesterday,
20 five hours.

21 The deposition is closed. We
22 don't need to go -- we don't need to
23 waste another ten minutes with you
24 stating your position again and me
25 stating my position again. The reason

Page 53

1 da Silva Vint
2 we asked for and got a stipulation is
3 so we wouldn't have to have this
4 argument.

5 Five hours on the record, five
6 hours is complete. We're closing the
7 deposition.

8 MR. CYRULNIK: As I said, your
9 position reduces the proposition that
10 you and your colleague can take up as
11 much time as you'd like to on the
12 record by insisting that the
13 videographer not turn off the camera
14 while you make long speeches or engage
15 in lengthy attempts to access
16 documents that you brought with you to
17 the deposition. That obviously is not
18 consistent with the spirit of any
19 agreement to take meaningful 30(b)(6)
20 deposition testimony with respect to
21 important topics concerning Brevet's
22 claims in this case and otherwise.

23 So as I said, we think we can do
24 this relatively quickly. We don't
25 think there is any world in which

Page 54

1 da Silva Vint
2 reviewing the record from yesterday
3 will confirm that there was anything
4 close to four hours and 24 minutes
5 used asking questions to
6 Mr. Monticciolo. And if your position
7 is that you intended to include in
8 that time that you didn't identify you
9 were going to insist on putting on the
10 record, then we obviously strongly
11 disagree and would think the Court
12 would have the same position.

13 So you can either walk out of
14 the deposition and necessitate
15 judicial intervention or whatever
16 other consequences or we can try to
17 finish this cooperatively. We
18 obviously prefer the latter, but can't
19 prevent you from taking the former.
20 So I will ask my next --

21 MR. UNDERWOOD: We're not
22 walking out of the deposition. We are
23 enforcing the terms of the
24 stipulation, five hours. It's done.
25 We are concluding the deposition at

Page 55

1 da Silva Vint

2 this point.

3 Lengthy recitations of positions
4 and arguments and things you wished
5 you had gotten maybe in the
6 stipulation aren't going to help us.
7 We're done.

8 (Continued on following page.)

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Page 56

1 da Silva Vint

2 MR. CYRULNIK: You can play
3 technical games, Mr. Underwood, but we
4 are not closing the deposition. I'm
5 asking questions --

6 (All Reed Smith participants
7 depart the Zoom deposition.)

8 (The Court reporter goes off
9 stenographic record.)

10 THE VIDEOGRAPHER: Okay,
11 Counsel, I'm going to have to conclude
12 the video recording.

13 (Time noted: 3:01 p.m.)

14 -----

15 MEI-LI DA SILVA

16
17 Subscribed and sworn to before me
18 this ____ day of _____, 202__.

19 -----

21 Notary Public

22 -----

23

24

25

Page 57

1

2 C E R T I F I C A T E

3 STATE OF NEW YORK)

4 : ss.

5 COUNTY OF NEW YORK)

6

7 I, THERESA TRAMONDO, a Notary
8 Public within and for the State of New
9 York, do hereby certify:

10 That MEI-LI DA SILVA, the witness
11 whose deposition is hereinbefore set
12 forth, was duly sworn by me and that such
13 deposition is a true record of the
14 testimony given by the witness.

15 I further certify that I am not
16 related to any of the parties to this
17 action by blood or marriage, and that I am
18 in no way interested in the outcome of
19 this matter.

20 IN WITNESS WHEREOF, I have
21 hereunto set my hand this 29th day of
22 November, 2021.

23

24



25

THERESA TRAMONDO

Page 58

1

2 ----- I N D E X -----

3 WITNESS EXAMINATION BY PAGE

4 M. DA SILVA MR. CYRULNIK 5

5 VINT

6 ----- INFORMATION REQUESTS -----

7 DIRECTIONS: (NONE)

8 RULINGS: (NONE)

9 TO BE FURNISHED: (NONE)

10 REQUESTS: 20, 24

11 MOTIONS: (NONE)

12 CONFIDENTIAL: (NONE)

13

14 ----- EXHIBITS -----

15 EXHIBIT FOR ID.

16

17 Exhibit 15, two-page damages 19

18 summary

19

20

21

22

23

24

25

Page 59

ERRATA SHEET

CASE NAME: Iacovacci, Paul v. Brevet Holdings, LLC, 18-Cv-08048
(S.D.N.Y.)

DATE OF DEPOSITION: 11/18/2021

WITNESSES' NAME: Mei-Li da Silva Vint

PAGE **LINE (S)** **CHANGE** **REASON**

Mei-Li da Silva Vint

SUBSCRIBED AND SWORN TO BEFORE ME
THIS ____ DAY OF _____, 20____

(NOTARY PUBLIC)

MY COMMISSION EXPIRES:

[& - beginning]

Page 1

& & 2:18 0 06824-5730 2:20 08048 59:2 1 10 6:12 10006 2:6 10022 3:7 11/18/2021 59:3 1188048whp 4:13 14 6:13 15 19:2,6 42:19 46:10,20 58:17 17432 57:24 18 1:11 4:16 59:2 18cv8048 1:6 19 58:17 2 2 4:3 20 58:10 59:22 200 41:2,4,19,22 42:4 2000 2:19 2014 28:21,23 2016 34:18 2017 34:21 202 56:18 2021 1:11 4:16 57:22 203-254-2707 2:23 212-205-6003 3:14 24 51:2,11 52:9,13 52:19 54:4 58:10 25 30:12,14 27 6:13 29th 57:21 2:01 1:12 2:15 4:17	3 30 4:5 6:9 10:17 24:19 25:12 49:2 53:19 31 6:13 36 6:13 22:2,12 48:2 51:3,4 52:14 52:15,16,17 38 6:13 3:01 56:13 5 5 58:4 55 2:5 599 1:17 3:6 5:21 6 6 4:5 6:9,12 10:17 24:19 25:12 49:2 53:19 8 8 6:12 9 917-353-3005 2:15 a able 20:17 49:25 access 53:15 action 19:18 57:17 actual 11:5 12:16 13:14,19 14:18,22 15:13 16:10,11,20 27:25 address 5:19 10:8 10:9 50:2 addressed 8:23 adina 2:9 advisement 21:25 affidavits 25:24 47:4 afternoon 4:3 6:3 46:22	ago 47:8 agreed 5:2,6 agreement 30:18 33:20 53:19 agreements 34:3,3 34:5 ahead 21:6 al 1:8 4:12 alevine 2:13 allegedly 8:24 allow 49:21 alongside 29:17 amount 40:20 anormyle 3:13 answer 15:10 20:18 answered 20:19 49:20 answering 45:4 49:10 52:16 answers 8:18 50:14 anybody 32:3 anybody's 23:15 aos 1:19 apart 49:25 apologies 46:4 appear 43:25 45:10 46:8 appearance 2:2 3:2 appearances 5:4 appearing 4:6 appears 44:5 50:12 appreciate 6:24 15:9 49:17 50:10 approval 31:18 32:6 33:6,12 approve 31:12,16 31:20	approved 33:3,23 approximately 4:17 26:14 34:16 arguing 25:20 argument 53:4 arguments 55:4 asked 8:21 24:14 25:2 45:5,6,19 46:12,21 53:2 asking 6:25 7:2 8:17 10:14,24 13:5 14:4 20:17 21:14 23:12 24:3 25:3 27:3 36:15 37:14,15 45:11 51:21 54:5 56:5 assembled 24:12 association 4:21 4:24 assume 31:18 ate 52:11 attempts 53:15 attorney's 5:20 avenue 1:17 3:6 5:21 every 3:10 aware 40:11 b b 4:5 6:9 10:17 24:19 25:12 49:2 53:19 based 14:4 15:11 44:19 basic 27:10 basis 35:20 36:7 36:16,24 37:7 38:5 bates 27:5,17 began 28:20 beginning 45:5
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[begins - contending]

Page 2

begins 4:3	15:14 16:2,3,13,15	capital 4:7	clr 1:19
behal 3:9	16:18,21 17:17	case 4:12 24:13,14	colin 3:8
behalf 4:6 6:19 8:2	27:24 28:8,9,13,24	35:7 49:15 53:22	colleague 23:9,22
belief 35:21 36:7	29:2,11,13,20 30:4	59:2	26:23 48:10 51:15
36:25	30:7,9 31:9,9,12	catalina 7:10,18	53:10
believe 28:20	31:17,25 32:3,23	7:20 8:8 12:12,25	collect 41:6
34:18 35:16,25	33:5,13,21 34:11	16:4	colloquy 26:13
36:3 42:14	34:24 35:8,14	categories 8:22	49:7 51:14
better 27:3	36:9,21 37:11,17	9:20	come 33:19 36:19
beyond 8:7 11:18	37:19,21 38:2,7,9	category 9:8 16:7	comes 27:11
36:11	38:18 39:9,10,15	caveats 15:21	commission 59:25
binder 19:15,17	39:18,21 40:4,19	ceo 35:4	commit 24:4 26:8
19:17,24 20:23	40:21,22,25 41:3	certify 57:9,15	committee 31:20
21:5,10 22:6,8,14	42:3,23 45:15,17	cetera 44:20 47:4	32:16,17 33:4,24
24:9,23,24	46:7 47:21 59:2	cf 2:11,12,13,14	company 1:8 6:20
bit 10:13	brevet's 7:25 13:8	chagrin 50:7	8:3 10:25 38:21
blatant 27:9	29:18 35:19 49:17	change 6:2 59:5	39:9
blood 57:17	53:21	characterization	company's 11:2
bob 18:3,5	brian 35:9	28:2	15:4 28:12 35:15
borrowed 16:13	bring 20:9,14	choose 22:12 26:3	36:12
16:14,18	24:21	claimed 45:23	complete 17:8
borrower 16:15	bringing 17:2	claims 20:16 53:22	26:24 53:6
16:16 17:3,12,13	broaden 16:22	clarifying 45:25	completed 48:3,5
17:15 27:21,22	broadway 2:5	clear 22:17 49:11	concerning 53:21
45:22	brodsky 3:17 4:19	49:20 52:17	conclude 56:11
borrowers 9:6,14	brought 20:23	clearly 13:24	concluding 54:25
9:23 10:10,10	21:10 22:19 25:12	client 7:4,12,15	confidential 58:12
11:19,21 16:8,10	26:21 27:6 37:17	8:13 9:17 17:8	confirm 54:3
16:11,11,20,20	47:13 48:16 53:16	clients 6:17,22 7:8	conjunction 19:25
17:10	bunch 39:8	7:22,23,24 8:4,23	connecticut 2:20
borrowing 16:25	business 31:2	9:3,4,4,7,12,20,21	connection 46:12
break 20:21 27:15	buy 39:3,10	9:24 10:3 11:16	consequences
34:10	buying 39:13 41:5	11:18,22,25 12:6	54:16
brevet 1:7 4:6,11	c	17:13 27:21,23	consider 27:14
6:9,18,23 7:5,25	c 57:2,2	30:7 45:13,14,16	32:18
8:5,12,25 9:12,22	called 5:12	45:20,21,22 46:13	consistent 53:18
9:25 10:3 11:17	calls 50:21	close 54:4	consumer 41:9,12
11:23 12:2,8,9,13	camera 53:13	closed 19:13 51:5	cont'd 3:2
12:17 13:2,3,6	capacity 6:8 37:5	52:21	contend 12:14
14:10,11,13,15,16	37:6	closing 53:6 56:4	contending 27:24
14:16,18,23,24			

[contends - diverted]

Page 3

contends 16:2 47:21	11:1 12:1 13:1 14:1 15:1 16:1	defendants 1:9 3:4 4:12	determine 38:12 developing 49:15 difference 13:17 13:22
continue 51:21	17:1 18:1,20 19:1	defining 9:4	different 8:22 27:20
continued 55:8	20:1 21:1 22:1,7	definition 9:16	diligence 34:9
continuing 27:19	22:13 23:1,12,25	definitively 15:7	directions 58:7
continuum 30:18	24:1 25:1 26:1	delaware 1:7	disagree 21:17 54:11
conversations 34:8 35:17,23	27:1 28:1 29:1 30:1 31:1 32:1	depart 56:7	disconnect 10:13 13:16 14:2
cooperative 50:10	33:1 34:1 35:1	depending 33:16 33:19	discount 39:4,11 39:14
cooperatively 54:17	36:1 37:1 38:1 39:1 40:1 41:1	depends 31:22	discovery 19:18 25:23 35:7 44:19
copy 25:4	42:1 43:1 44:1	deploy 30:7,10 31:8 32:4,25	discussed 32:12
corporate 6:8	45:1,2,18 46:1	deploying 33:21	discussing 30:24
correct 7:14 12:14 16:5,7 30:16 43:4	47:1 48:1,25 49:1 50:1,23 51:1,8	deployment 33:22	discussion 30:25
correctly 13:3	52:1,11 53:1 54:1	deploys 32:2	discussions 28:14 28:20,22,24 29:5
counsel 2:2,17 3:2 5:2 20:2,10 22:9 56:11	55:1 56:1,15 57:10 58:4 59:3 59:21	deponent's 5:7	29:25 30:22 33:15
count 23:24 26:16 51:19	damage 19:19	deposed 47:9	34:7,11,15,24
counting 48:9,12	damages 18:22	deposition 1:15 4:5,9 8:16 10:17	35:11,14,22 36:2,9
county 57:5	19:2 43:2,8,10,14	11:7,11,14 20:9,14 20:24 21:11,12	36:11,13,18,21
course 26:22	43:18,21,25 44:4,6	22:3,13,20 23:3,10	37:2,3,21
court 1:2 4:14,23 5:3,7,9 49:16 50:2 50:7 54:11 56:8	44:8,23 45:3,9 46:9,16,24 47:6,12 58:17	24:10,22 25:13,14 26:3,17 27:7,11 28:19 45:6 47:13 47:18 48:3,4,9,11	distinction 16:9
creates 23:11	date 19:4 59:3	48:13,17,18,19	distinguished 13:6
cunderwood 3:11	day 56:18 57:21 59:22	49:8,18 50:13,22 50:25 51:5,8,13	district 1:2,2 4:14 4:14
cv 59:2	deal 7:3 17:23	52:21 53:7,17,20	diverted 6:18,22 7:5,13,16,25 8:4
cyrulnik 2:4,7 5:23 21:9,17,21 22:16 23:4 24:7 24:16 25:18 26:12 48:4 50:20 51:6 53:8 56:2 58:4	18:11,16 32:7,10 39:16 42:9,12,20 42:22,25 43:20,24 44:21,24 45:8 46:8,19,24 47:5,17 47:21	54:14,22,25 56:4,7 57:11,13 59:3	8:24 9:8,22,24 10:3 11:17,22
d	deals 6:16,22 16:22,23 17:4,14 17:15 18:9	describe 16:16,17 29:7 30:3 32:2 38:24	12:2,14,18 13:8,13 14:24 15:14 16:2
d 5:11 58:2	decide 23:16	describing 19:7 31:7 32:11 38:20	16:21,23 17:5,16 27:24 37:16 42:23
da 1:15 4:5 5:18 6:1,3 7:1 8:1,15 9:1 10:1,12,24		designated 6:10 49:2	43:20,24 44:24 45:14,16,24 46:7 46:14 47:22
		detail 40:18	

[document - good]

Page 4

document 19:7 24:9	53:14	expert 31:9	former 54:19
documentation 32:14 33:16	engaged 28:24 37:19 38:7 40:4	expires 59:25	forth 49:18 57:12
documents 6:20 20:3,6,7,8,13,15 21:7,10 22:5,8,19 24:12,15,21 25:5,7 25:11,16,17,23 26:6,7,9,11,20,25 27:5 53:16	enter 28:10 29:20 30:5 38:13	explain 14:2,11 45:11	forward 32:10
doing 6:6 23:17 27:8 49:4,24	entered 5:3	explaining 50:3	forwarded 10:7
dollars 30:13	entering 33:17	explanation 36:20	four 26:14 27:20 28:3 50:25 51:10 52:8,12,18 54:4
doug 35:8	enters 31:17	extremely 50:6	front 18:19 19:8 19:10,12,14 20:4 24:24 25:14
draft 34:3,5	entire 43:15		fully 20:18
duly 5:12 57:12	entitled 21:13		fund 29:19
dumain 2:10	entity 16:14 33:17		furnished 58:9
e			
e 5:11 6:21 8:11,12 8:13,16 10:5,6,8,8 10:15,19,20 11:5,9 11:10,13,13 24:6 29:25 34:6 35:25 57:2,2 58:2	equate 17:4	fair 8:9 14:25 15:15 17:9 20:20 28:2 47:22	further 57:15
eastern 4:17	errata 59:1	fairfield 2:20	
eb5 17:22,23 18:11 42:9,11,22,24 44:21 45:8 46:8 46:18,23 47:5,16 47:21	especially 52:2	far 7:22 21:4 33:25	g
educate 48:14	esq 2:7,8,9,10,21 3:8,9,10	fattaruso 2:4,8	games 56:3
efficient 23:14 50:16	estimate 39:20	finance 39:6,13	general 30:25
efficiently 48:24	et 1:8 4:12 44:20 47:4	financed 40:12	getting 32:24 51:23
either 20:22 24:6 25:3 54:13	evaluate 38:12	financing 41:4 42:11	give 21:6 22:22 27:13 39:20 41:4
eligible 42:12	exact 35:2 39:18 40:18	finds 26:10	given 32:25 57:14
enforcing 54:23	exactly 28:16,21 29:23 34:14 35:6	finish 54:17	giving 7:17 9:6 23:21 24:4 26:8 33:5 50:14
engage 28:13 31:14 37:12 38:2	examination 5:22 58:3	first 7:12 8:22 28:13 48:8	go 7:11 8:10 10:5 10:15,19,21 16:8 17:7 18:7 21:6 32:16,23 33:2 48:5 50:16 52:22
	examined 5:13	five 50:24 52:20 53:5,5 54:24	goes 56:8
	example 7:8,10,18 9:7 10:22 41:18	flatout 51:9	going 11:2 20:17 21:6,18,21,24 22:4 22:21 23:6,17
	examples 7:17,21 9:2,9 10:23 44:13 44:18 45:7,15 46:14,15	floor 2:5	25:10 26:7 27:16
	exception 17:9	focus 8:20	30:9,19 37:12
	excited 36:4	followed 32:9	44:8,9 49:25 50:2
	exhibit 19:2,6,6 42:17,19 46:10,20 58:15,17	following 44:25 55:8	52:4,12 54:9 55:6
	exhibits 58:14	follows 5:14	56:11
	expecting 27:25 28:8,10 30:4	force 22:21	good 4:2 6:3
		form 12:20 13:11 13:21 15:3,17	
		expecting 27:25 28:8,10 30:4	
		form 12:20 13:11 13:21 15:3,17	
		expecting 27:25 28:8,10 30:4	

[gotten - linking]

Page 5

gotten 55:5	iacovacci's 38:8	insisting 53:12	j
great 8:18	ian 2:10	instance 40:3	jason 2:7
guess 44:25	identification 12:24 19:3	intended 54:7	jcyrulnik 2:11
h	identified 9:12 18:10 24:22 36:17 46:6	intent 52:10	jointly 20:5
hand 57:21	identify 7:3,24 8:7 8:21 9:21 11:16 11:21,25 12:4,17 14:23 15:13,24 16:20 17:14 20:8 20:13 24:11 25:16 26:5 27:20 40:3,7 54:8	intention 49:12 50:5,14	judicial 54:15
happen 34:13 50:4	identity 48:16	interested 36:4 57:18	k
happened 50:3	idumain 2:14	interruptions 49:6	kapoor 35:4
happy 48:5,6	implicated 24:15	intervention 54:15	keep 52:3
harvest 17:20 18:10 37:9,10,20 37:25 38:6	important 14:6 49:14 53:21	invest 14:15	know 8:17 9:3,19 13:24 15:5,7,10 21:23 22:3 24:10 28:21 31:15 34:4 35:6 37:24 38:4 39:18,18,25 43:6 48:12 52:6
hear 13:3	improper 22:20 24:25	investing 29:12,13 32:21	l
heard 39:8	include 6:22 9:3,5 9:5 54:7	investment 32:16 32:17,18 33:4,23	l 5:11,11
held 1:16	included 8:13	investments 32:15 44:17	labeling 29:10,12 29:15,19,22 31:8
help 30:6 55:6	includes 10:9	investor 9:7 10:11 11:25 12:6,7 13:18,19 14:10,11 14:16,19 16:6 45:21	land 30:19
hereinbefore 57:11	including 6:21 9:13 16:25 51:12	investors 9:5,13 9:23 10:10 11:19 11:21,24 12:7,8,9 12:10,13,16 13:2,2 13:6,7 14:23	late 39:2
hereunto 57:21	incorrect 28:6	15:13,20,25 17:13 17:15 44:14,14,16 46:13	leave 44:9 51:2
hire 39:4	increased 51:17	invoices 39:3	leaves 52:13
holding 4:11	index 20:22 22:24 23:7 25:4	involved 29:11	legal 3:18 4:20,21 32:13 33:16 59:1
holdings 1:7 59:2	individual 16:14 31:19 35:5	34:20,23,25 35:10	lending 31:10
hopeful 51:24 52:2	individual's 42:22	38:25 39:2 40:22	lengthy 51:14
hour 49:9 51:7 52:2,10,12	information 23:21 27:10 47:16 58:6	42:4 43:17 45:2,4 46:20	53:15 55:3
hours 50:24,25 51:11 52:8,12,18 52:20 53:5,6 54:4 54:24	initially 45:20	involvement 38:8	levine 2:9
howard 3:17 4:19	insist 54:9		lexington 1:17 3:6 5:21
hundreds 10:20 11:13 30:12,15	insisted 51:15		li 1:15 4:5 5:18 56:15 57:10 59:3 59:21
i			liability 1:7
iacovacci 1:3 4:10 6:18 7:4,24 8:24 9:21 11:17 12:14 12:18 13:8 14:25 15:14 16:3,21 17:5,16 35:23 36:10,14,18 37:3 46:7 47:21 59:2			likened 26:19
			limited 1:7 50:23
			line 27:19 59:5
			linking 17:10

[lippey - open]

Page 6

lippey 35:10	makings 48:10	moment 18:6	noted 56:13
list 6:16 7:21 8:3 10:19 17:7,8 20:24 21:2,7,23 22:8,14,18 23:7 24:5 25:22	man 35:4	money 29:12 30:6 30:8,9 31:8,10,25 32:3,22,22,25 33:5 33:13,18,21 41:3	notice 1:18
listed 12:5 42:25 43:5,7	management 4:7 32:13 33:15	monticciolo 25:25 26:21 35:9 50:22 54:6	notwithstanding 52:9
listing 22:5 25:4 25:11 26:8,24	manhattan 4:8	motions 58:11	november 1:11 4:16 57:22
lists 8:14 10:11	marked 19:3	move 32:9 50:5	number 4:12 8:4,6 29:3 39:18 51:6,9
literally 47:14	market 41:25	moved 45:22	numbers 27:5,17
ll106 2:19	marriage 57:17	multiple 29:8 34:8	o
llc 1:7 2:18 4:11 59:2	material 50:9,18	multiples 41:21	oath 5:8
llp 1:17 2:4 3:5	materials 34:9 48:16	n	object 12:19 13:10 13:20 15:2,16 17:18 31:4 33:9 41:7,16 44:11
llp.com 2:11,12,13 2:14	matter 4:10 40:21 57:19	n 5:11 58:2	obligation 23:23 24:11,17
loans 33:22	mean 14:6,12 29:14 31:15,22 38:14	name 4:19 5:16 29:17 35:2,6 40:10 42:22 59:2 59:3	obligations 48:15
located 4:22	meaning 29:16	named 35:4	obvious 49:5
location 4:7	meaningful 53:19	narrow 41:19	obviously 23:18 24:19 26:16 49:23 51:18 53:17 54:10 54:18
long 53:14	means 29:19	necessarily 43:14	offer 32:4
look 19:5 24:13 26:10 28:18 38:12 45:9	medical 38:16,17 38:18,21 39:10 40:12 41:3,11,12 41:15	necessitate 54:14	office 5:20
looked 23:2 24:8 26:6 42:7	mei 1:15 4:5 5:18 56:15 57:10 59:3 59:21	necessitates 23:12	offices 1:16 4:22 35:12
looking 9:9 21:8 42:15,17 46:17	memory 47:23	necessitating 27:8	okay 7:7 11:15
looks 25:16	million 30:14	need 8:15 20:19 26:10 52:22,22	13:15 14:19,20,21 17:21,25 18:18 21:2,20 28:5 29:20 34:22 42:18 56:10
m			
m 5:11 58:4	mind 14:21 16:19	needs 31:20	once 32:22,24
mail 8:12,13 10:8 10:8,15 24:6 29:25	minnesota 7:9,12 8:8 12:12,24 16:4	new 1:2,17,17,20 2:6,6 3:7,7 4:8,15 4:22,23 5:21,21 57:3,5,8	51:21
mails 6:21 8:11,16 10:5,6,19,20 11:5 11:9,10,13,13 34:6 35:25	minutes 22:2,12 26:15 48:2 51:2,3 51:4,11 52:9,13,14 52:16,17,19,23 54:4	nokley 18:3,5,12 44:18	ones 25:25 26:20 40:8
making 48:11	misconduct 44:5	nonconsumer 41:14	ongoing 30:22
	misunderstood 46:5	normyle 3:10	open 19:11,14 21:16
		notary 1:19 5:13 56:21 57:7 59:25	
		note 5:25 26:12,18	

[opened - recall]

Page 7

opened 21:5 opinion 13:9 opportunity 27:13 order 11:6 32:9,20 51:16 originally 47:10 outcome 57:18 owes 41:2	plaintiff 1:4 2:3,17 4:9,11 15:7 play 56:2 please 5:9,17 8:19 point 6:20 24:5 35:9,10 55:2 pool 40:20 portions 51:12 position 23:18 27:16 28:12 35:15 36:12,16,25 38:6 49:17 52:24,25 53:9 54:6,12 positions 11:3 15:9 55:3 possible 51:18 post 2:19 potential 9:5,6,15 9:18 10:10 11:22 12:7,9,10,13,25 13:7,14,18 14:10 14:16 15:19,25 16:6,10,16,23 29:5 30:2 31:2,13,20 32:18 34:7 37:11 37:18 40:20 42:4 44:14 46:13 potentially 29:17 39:2 41:23 prefer 54:18 prepare 10:16 11:6,11,13 28:18 43:8,10,15 47:6 prepared 10:18 19:24,25 20:5 27:12 31:14 43:12 43:16 44:2 45:10 50:13 preparing 43:13 43:18 45:3 46:20 46:24 47:2	present 3:16 pretty 31:6 prevent 49:23 54:19 prior 23:9 probably 48:23 problem 23:11 proceeding 5:4 process 31:19 32:7 32:8 33:6,12,20 produced 6:21 8:11 10:6,21 15:11,12,23,23 18:22 19:22 47:4 production 15:6 products 29:13 35:18 program 41:20 programs 31:11 properly 37:17 propose 51:20 proposition 53:9 prospective 6:17 7:4 27:22,23 28:14,25 29:22 37:22 provide 21:22 22:4,18 23:7 25:2 25:10 26:24 27:10 27:12,17 49:22 provided 34:9 43:3 providing 22:23 public 1:19 5:13 56:21 57:8 59:25 purposes 14:17 49:14 pursuant 1:18 put 29:17 44:8 putting 51:15 54:9	q qualified 12:23 question 11:4 12:20,22 13:11,21 14:17 15:3,17 17:19 24:3,14,18 24:20 25:9 31:5 33:10 41:8,17 44:12 45:4,13 questioning 26:17 27:20 51:13 52:15 questions 8:17,18 8:20 10:14,25 26:4 46:21 49:11 49:13,19 50:15 51:22,25 54:5 56:5 quickly 18:8 48:23 50:6,18 51:24 53:24 quite 52:2
			r r 57:2 raise 30:6 range 30:11,14 rbehal 3:12 reach 30:17 read 23:13,20 27:4 reading 25:22 ready 5:24 32:24 real 44:14 really 44:20 reason 35:13,21 36:3,6,25 41:25 52:25 59:5 reasonable 25:5 reasons 36:8 49:4 recall 28:16 29:23 34:14 35:2 40:10 42:21

[receivable - solomon]

Page 8

receivable 38:18 38:22 40:20 41:2 41:5,13,15,20,22 42:5	regard 50:11 regarding 28:25 29:21	reviewing 10:18 47:14 54:2	side 17:3,8 34:24 34:25 35:8 36:18 37:3
receivables 38:16 38:17 39:3,11 40:11,12 41:10,11 41:21,21	reinsurance 7:19 7:20 8:9 12:12,25 16:5	right 6:14 8:25 9:14 28:17 31:21 37:6 40:18 43:18 44:22 45:19 47:15 47:17	signature 57:24
recitations 55:3	related 8:11 18:2,4 18:11 19:15,22 20:16 24:19 42:21	road 2:19	silva 1:15 4:5 5:18 6:1,3 7:1 8:1,15 9:1 10:1,12,24 11:1 12:1 13:1
record 5:5,16,25 21:23 22:17 23:13 23:20 24:6 26:13 26:18 44:15 48:2 48:6,20 49:15 50:24 51:11,16,17 52:7,14,15,18,19 53:5,12 54:2,10 56:9 57:13	relates 44:4 46:16 relatively 51:23 53:24	robert 18:12	14:1 15:1 16:1 17:1 18:1,20 19:1 20:1 21:1 22:1,7 22:13 23:1,12,25
recorded 4:4	remember 35:5 45:24 46:18,23	room 20:14 21:11 21:12 25:14 27:12 48:17 49:8	rules 49:21
recording 56:12	remembered 46:15 47:5,20	rq 20:20 24:16	rulings 58:8
recover 39:14	remote 4:4	ruhi 3:9	
recoveries 18:10	remotely 5:8	rules 30:1 31:1 32:1	
recovering 39:5	reporter 4:23 5:3 5:7,9,15 50:8 56:8	remembered 33:1 34:1 35:1	
recovery 17:20 37:10,10,20,25 38:6,16,19,22	representing 10:25	s 36:1 37:1 38:1	
reduces 53:9	request 21:25 25:8	s 5:11 59:5	39:1 40:1 41:1
reed 1:16 3:5 56:6	requests 58:6,10	s.d.n.y. 42:1 43:1 44:1	42:1 43:1 44:1
reedsmith.com 3:11,12,13	require 33:6	saying 45:1,2,18 46:1	45:1,2,18 46:1
refer 16:12	required 33:13	scott 47:1 48:1,25 49:1	47:1 48:1,25 49:1
reference 24:23	requiring 23:19	second 50:1,23 51:1,8	50:1,23 51:1,8
referenced 19:19	rereview 11:12	see 52:1,11 53:1 54:1	52:1,11 53:1 54:1
referencing 10:16 11:6	reserve 52:10	seen 55:1 56:1,15	55:1 56:1,15
refreshed 47:24	reserved 51:7	select 57:10	57:10 58:4 59:3
refusal 27:9	respect 15:19	selected 59:21	59:21
refuse 21:19,22 23:6 25:10	37:21 53:20	selecting 25:24	similar 25:24
refused 22:18	respond 24:18	send 30:22 31:6	single 24:8
	responses 19:18 25:24	senior 32:13 33:15	sit 34:3
	rest 25:20,21	sense 34:24	sitting 34:15,20
	review 11:5,10	sent 35:12	35:10,20,24 36:16
	reviewed 11:8 47:17	separate 36:10	39:23 39:4,14
		serious 37:23 38:3 39:17	39:25 40:9,17
		serve 41:4	42:6
		set 44:2	size 44:16
		share 45:18 46:11,21	slowly 47:11
		sheet 47:29 48:24	smith 48:1 5:5
		34:7 44:23 59:1	56:6
		showing 36:2	solomon 20:25
		sic 4:13	23:8 26:23

[solutions - tramondo]

Page 9

solutions 3:18 4:22 59:1 sorry 17:13 18:13 30:11 42:24 sought 35:6 sounds 5:24 southern 1:2 4:14 space 41:3 speaking 6:19 8:2 specialist 4:20 specific 10:22 15:25 30:23 32:7 43:21 44:13,18 specifically 44:5 44:22 speeches 48:10,11 53:14 spend 25:19,21 26:2 27:2 spent 48:18 49:10 spirit 53:18 sprott 18:14,17,18 28:9,11,14,24 29:5 29:16,21 30:5,6 31:14 32:18,25 33:5,13,18,20 34:3 34:8,10,25 35:3,14 35:21 36:8,20 44:20 ss 57:4 standard 4:18 31:6 start 5:25 7:7 11:24 28:9 started 28:22 47:18 state 1:20 5:16 57:3,8 stated 33:14 statements 20:18	states 1:2 4:13 stating 52:24,25 stealth 17:22,23 18:11 42:9 45:8 45:15 46:8,18,23 47:5,16,20 stenographic 5:5 56:9 stipulated 5:6 stipulation 50:21 52:17 53:2 54:24 55:6 stop 36:20 stopped 34:15 35:14,22 36:5,8,13 37:2 strongly 54:10 stuff 19:21 47:14 subcategories 9:13 9:16,19 subject 15:21 subscribed 56:17 59:22 substantial 10:7 suite 2:19 summary 18:23 18:24 19:3,19 43:2,9,11,14,18,22 43:25 44:6,9 45:3 45:9 46:9,25 47:7 47:12 58:18 supporting 20:16 supposed 47:9 sure 7:8 9:10 36:23 41:19 44:21 46:16 51:16 swear 5:10 swearing 48:18 sworn 5:13 56:17 57:12 59:22	t t 5:11 57:2,2 table 25:8 take 5:7 14:22 18:12 19:5 21:25 23:18 27:21 32:3 33:13 53:10,19 taken 4:9 26:14 takes 31:25 talk 17:12 37:9 48:6 talked 20:15 45:20 45:21 talking 23:5 29:8 31:7,23,24 42:16 44:21,23 45:22 targeted 49:20 technical 56:3 tell 8:6 11:2 28:5 34:16 48:23 50:6 telling 33:7 51:10 ten 52:23 term 14:5 16:12 16:15 29:21,24 34:7 terms 13:23 14:12 14:21 29:25 30:3 31:10 32:14 33:21 40:21 54:23 test 41:25 testified 5:14 testify 6:8 testifying 42:25 testimony 36:22 53:20 57:14 thank 6:6 theresa 1:18 4:24 57:7,25 thing 8:23 43:15 45:7	things 8:22 10:7,9 27:4 47:3 55:4 think 8:23 13:15 18:22 22:20 23:14 29:3 30:11 34:6 41:18 42:21 44:3 44:13 45:19,19 47:11 48:2 49:16 49:21 50:15,18 53:23,25 54:11 third 2:5 thought 41:4 three 8:21 18:9 26:14 thursday 4:15 time 4:16,18 22:22 23:15,17,25 24:3 25:20,21 26:2,15 26:17 27:2,4 46:19,21 48:9,11 48:13,18,18,19 49:9 51:17,19 52:7 53:11 54:8 56:13 times 39:15,21 today 4:15 11:15 11:20 15:11,20,24 19:23 29:24 34:4 34:15 37:23 38:3 39:17 40:2,9,17 42:7 47:19,24 51:4 52:18 told 45:12 topics 6:10,12 19:16,22 20:11,19 24:20 47:3 48:25 53:21 total 50:24 track 44:15 tramondo 1:19 4:24 57:7,25
--	--	--	---

[transaction - york]

Page 10

transaction	7:3,10 17:2 28:10,15,25 29:6,9,22 30:2,4 30:24 31:13,18,21 31:25 32:15,19 33:18 34:2 37:11 37:18,22 38:2,7,10 38:11,15 39:22 40:5,10,11,14 42:4 46:6	14:3,6,7 15:8 36:15	9:1 10:1,12,24 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1,20 19:1 20:1 21:1 22:1,7 22:13 23:1,12,25 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1,2,18 46:1 47:1 48:1,25 49:1 50:1,23 51:1 52:1 52:11 53:1 54:1 55:1 56:1 58:5 59:3,21	weeks 47:8 weiss 2:18,18,21 weissnweiss.com 2:22 went 43:21 47:3 whereof 57:20 white 29:10,12,14 29:18,22 31:7 wise 50:16 wished 55:4 withdrawn 17:11 witness 5:10,12 6:8,9 22:22 23:20 24:4,8,12 25:12,15 27:3,17 48:19 49:3,14,24 50:12 51:22 57:10,14,20 58:3
transactions	6:17 17:4,15 18:2,4,11 27:21,23,25 29:8 32:23 33:2,3 38:19,22,25 44:19 45:23	24:7,17 25:15,19 26:19 31:4 33:9 41:7,16 42:19 44:11 47:25 48:8 50:20 52:6 54:21 56:3	39:1 40:1 41:1 42:1 43:1 44:1 45:1,2,18 46:1 47:1 48:1,25 49:1 50:1,23 51:1 52:1 52:11 53:1 54:1 55:1 56:1 58:5 59:3,21	witnesses' 59:3 work 39:4,4,12 worked 41:23 working 20:10 36:5
trouble	49:3	underwood's	vint's 51:8	world 29:19 53:25
true	51:9 57:13	26:13	virtual 4:4	worth 49:9
try	49:12 50:17 54:16	united 1:2 4:13	volume 4:3 40:13	wrong 32:20
trying	41:5 46:12 48:13,22	university 7:9,12 8:8 12:11,24 16:4	voluminous 15:5 22:10 47:16	
turn	10:5 22:13 53:13	update 47:11	voluntarily 24:5	
two	7:22 9:7,13,15 12:5,12 13:23 14:12 15:24,25 18:24 19:2 39:24 46:9 51:10 58:17	usage 14:5	vs 1:5	
type	31:24 32:7,8 38:10,11,14 39:16 39:21 40:4 44:15	use 14:14 16:9,12 16:15 22:12,21 23:14 24:2	w	x
types	9:2,24 10:2 11:16,18 33:3 44:16,18 49:18	usually 29:18		
typically	32:9			
u			walk 8:16 54:13	x 1:3,9 58:2
ultimately	34:10		walked 47:15	
underlying	33:22		walking 54:22	y
understand	6:7 12:21 13:12,17,22		want 7:21,21 9:18 9:19 10:21 24:2 27:2 36:23	yeah 6:24 7:18
				years 29:4
				yesterday 18:22 20:25 23:9,22 26:2,21 48:21 49:8 51:7 52:8,19 54:2
				yesterday's 50:25
				york 1:2,17,18,20 2:6,6 3:7,7 4:8,15 4:23,23 5:21,21

[york - zoom]

Page 11

57:3,5,9
z
zoom 21:14 56:7

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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